

EXHIBIT NO. 1

6  
12-16-03

Docket Item # 6  
DEVELOPMENT SPECIAL USE PERMIT #2003-0038  
Crown Station - Extension

Planning Commission Meeting  
December 2, 2003

**ISSUE:** Consideration of a request for a development special use permit extension for for a development special use permit to renovate a convenience store with a new sales kiosk.

**APPLICANT:** Crown Stations, Inc.  
by Paul Encinas

**LOCATION:** 3216 Jefferson Davis Highway

**ZONE:** CSL/Commercial Service Low

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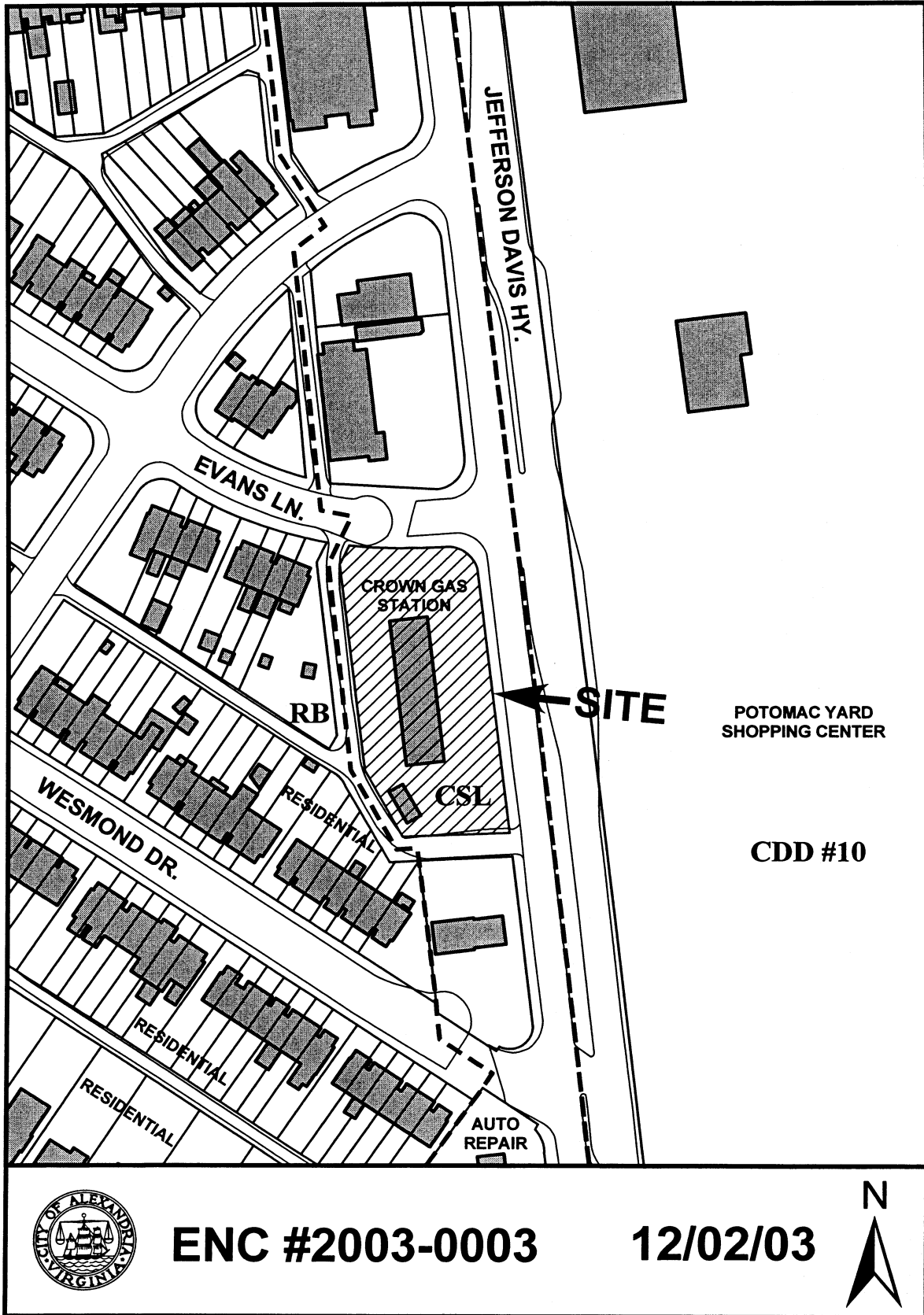
**PLANNING COMMISSION ACTION, DECEMBER 2, 2003:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend **approval** of the request, subject to compliance with all applicable codes, ordinances and staff recommendations, as amended. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis but revised conditions #23 and #30 to address lighting issues.

**Speakers:**

Paul Encinas, applicant.

Amy Slack, 307 E. Randolph Ave., expressed concern over the potential for glare and spillover lighting and requested revisions to the conditions to protect adjoining residents.



**STAFF ANALYSIS:**

The applicant requests approval of an encroachment request for three light poles to be located within the public right-of-way adjacent to Jefferson Davis Highway. The property is zoned CSL commercial service low and is the site of the existing Crown Service Station. The encroachment is sought in conjunction with an application for special use permit extension (DSUP#2003-0038) to renovate the gas station, including the construction of a larger kiosk for use as a small convenience store. Staff is recommending approval of the proposed development special use permit extension, as discussed in more detail in the accompanying staff report. Staff is also recommending approval of the proposed encroachment.

The proposed light poles would be installed within the landscape buffer adjacent to Jefferson Davis Highway and would illuminate two existing curbcuts. The proposed light poles measure 16 feet in height and have two light fixtures each.

Staff supports the proposed encroachment into the public right-of-way for a number of reasons. The proposed lighting will not negatively impact the landscape screening which provides an essential buffer between service station and Jefferson Davis Highway. The proposed light poles are unobtrusive and could easily be removed or relocated if future street or sidewalk improvements on Jefferson Davis Highway are necessary.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the proposed development special use permit application with the conditions outlined within the staff report.

**STAFF:** Eileen Fogarty, Director, Department of Planning and Zoning;  
Jeffrey Farner, Division Chief, Development;  
Rasheda DuPree, Urban Planner.

**STAFF RECOMMENDATION:**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **(REVISED BY PLANNING COMMISSION)** Installation of the proposed lighting shall be coordinated with final development plan (DSP#2003-0038) lighting and landscape design and to the satisfaction of the Directors of T&ES and Planning and Zoning. The proposed lighting fixture design shall be coordinated with the Potomac Yard Guidelines for street lighting to the satisfaction of the Director of Planning and Zoning. (T&ES) (PC)
2. The applicant (and his or her successors) shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria as an additional named insured, against all claims, demands, suits etc. and all costs related thereto, including attorney fees, relating to bodily injury or property damage, which may occur as a result of the granting of the encroachment. (P&Z)(T&ES)
3. Neither the City nor any private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (P&Z)
4. In the event the City shall in the future have need for the area of the proposed encroachments, the property owner shall remove any structure or projection that encroaches into the public right-of-way within sixty (60) days upon notification by the City of Alexandria. (P&Z)(T&ES)
5. Approval shall be contingent upon the approval of DSUP# 2003-0038. (P&Z)

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**Staff Note:** For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 T&ES is currently reviewing a Development Site Plan (DSP #2001-0015) for renovations to the existing service station facility.
- F-2 T&ES has no objections to the applicant request to install three pole mounted light fixtures on the adjacent public right-of-way.

Code Enforcement

- F-1 No Comments.

Police Department

- F-1 No objections.

Recreation, Parks, and Cultural Activities (RP&CA)

- F-1. No Comments.

Virginia American Water Company

- F-1 No Comments.

Real Estate Assessments

- F-1. No Comments.

## APPLICATION for ENCROACHMENT

VA-007

ENC # 2003-0003

[must use black ink or type]

PROPERTY LOCATION: 3216 Jefferson Davis Hwy Alexandria, VA 22301TAX MAP REFERENCE: 016.03-08-09 ZONE: APPLICANT'S NAME: Crown Central Petroleum CorporationADDRESS: P. O. Box 1168 Baltimore, MD 21203PROPERTY OWNER NAME: Crown Stations, Inc.ADDRESS: P. O. Box 1168 Baltimore, MD 21203ENCROACHMENT DESCRIPTION: VA-007 Light poles (3)

INSURANCE CARRIER (copy attached) Lexington Insurance Co. POLICY # 557674802  
A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

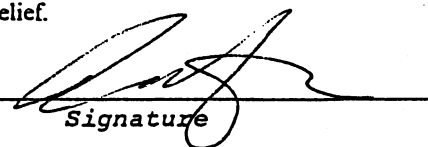
THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

RA Fritz for crown central

Print Name of Applicant or Agent

  
SignaturePO Box 1168

Mailing/Street Address

410 655 4841 410 655 4234  
Telephone # Fax #Baltimore MD 21203

City and State

Zip Code

2/5/03

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLYApplication Received:  Date & Fee Paid:  \$ ACTION - PLANNING COMMISSION: Dec. 2, 2003 Recommend Approval 7-0ACTION - CITY COUNCIL:

**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YY)  
1/31/03**PRODUCER**

Hilb, Rogal & Hamilton, Inc.  
303 International Circle, #400  
Hunt Valley, MD 21030  
410-771-3838

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**COMPANIES AFFORDING COVERAGE**COMPANY  
A

Lexington Insurance Company

COMPANY  
B

Ace American/Lexington

COMPANY  
CCOMPANY  
D**INSURED**

Crown Central Petroleum  
One North Charles Street  
Baltimore MD 21201

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT <input checked="" type="checkbox"/> Includes LiquorLiab	557674802	1/01/03	1/01/04	GENERAL AGGREGATE \$ 3000000 PRODUCTS - COMP/OP AGG 2 Included PERSONAL & ADV INJURY 0 EACH OCCURRENCE 2 3000000 FIRE DAMAGE (Any one fire) 0 MED EXP (Any one person) 3
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> MCS-90Endt	Ace American ISAH07676943  Lexington Ins Co 557674802	1/01/03	1/01/04	COMBINED SINGLE LIMIT 0 5000000 BODILY INJURY (Per person) 0 BODILY INJURY (Per accident) 0 PROPERTY DAMAGE 3
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT 3 OTHER THAN AUTO ONLY: 0 EACH ACCIDENT 0 AGGREGATE 3
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE 0 AGGREGATE 3
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY  THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL	Ace American WLRC43511257	1/01/03	1/01/04	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH. ER EL EACH ACCIDENT 3 5000000 EL DISEASE - POLICY LIMIT 0 5000000 EL DISEASE - EA EMPLOYEE 0 5000000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

**CERTIFICATE HOLDER**

City of Alexandria  
Dept. of Planning & Zoning  
301 King Street, Room 2100  
Alexandria, VA 22314

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~MAIL~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Patricia C. Fried*

**SPEAKER'S FORM**

**DOCKET ITEM NO.** 6

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

1. **NAME:** AMY SLACK
2. **ADDRESS:** 2307 E. RANDOLPH AVE
- TELEPHONE NO.** 703-549-3412 **E-MAIL ADDRESS:** alsdmf@earthlink.net
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?** NONE
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
**FOR:** ☒ **AGAINST:** ☐ **OTHER:** ☐
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**  
CIVIC
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**  
**YES** ☐ **NO** ☒

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

**Guidelines for the Public Discussion Period**

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.

(b) No speaker will be allowed more than three minutes.